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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Centro Cristiano De Vida Eterna	)	File No.: EB-FIELDSCR-13-00009721
	)	
Licensee of Station KNLV	)	NOV No.: V201332540015
	)	
New Waverly, Texas	)	Facility ID: 173796
	)	

**NOTICE OF VIOLATION**

**Released: July 15, 2013**

By the Resident Agent, Houston Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Centro Cristiano De Vida Eterna, licensee of radio station KNLV in New Waverly, Texas. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On July 2, 2013, agents of the Enforcement Bureau's Houston Office inspected radio station KNLV located at 600 S. Frazier Street, Conroe, Texas and observed the following violations:

- a. 47 C.F.R. § 11.35(a): "EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, Attention Signal generating and receiving equipment, and Intermediate Devices used as part of the EAS to decode and/or encode messages formatted in the EAS Protocol and/or the Common Alerting Protocol are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation." At the time of inspection, no EAS equipment was observed in the station's studio or transmitter site. Additionally, the station manager stated that EAS equipment had not yet been purchased or installed at the station.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 73.1125(a): "...each AM, FM and TV broadcast station shall maintain a main studio..." The Commission has interpreted this rule to require a station to "equip the main studio with production and transmission facilities that meet applicable standards, maintain continuous program transmission capability, and maintain a meaningful management and staff presence."<sup>3</sup> Specifically, the Commission has found that a main studio "must, at a minimum, maintain full-time managerial and full-time staff personnel."<sup>4</sup> When the agents showed up at the main studio, the studio door was locked and no personnel were at the facility.
- c. 47 C.F.R. § 73.1230(a): "The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such a manner that all terms are visible at the place the licensee considers the principle control point of the transmitter." At the time of inspection, a copy of the station authorization was not available at the main studio.
- d. 47 C.F.R. § 73.1800(a): "The licensee of each station must maintain a station log as required by § 73.1820. This log shall be kept by station employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this part, must accurately reflect the station operation. Any employee making a log entry shall sign the log, thereby attesting to the fact that the entry, or any correction or addition made thereto, is an accurate representation of what transpired." At the time of inspection, no station logs were observed at the main studio. Additionally, the station manager stated that no logs were being maintained.
- e. 47 C.F.R. § 73.1870(b)(3): "The designation of the chief operator must be in writing with a copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files." At the time of inspection, there was no designation of the chief operator in writing.
- f. 47 C.F.R. § 73.3527(c)(1): "The file shall be available for public inspection at any time during regular business hours. All or part of the file may be maintained in a computer database, as long as a computer terminal is made available, at the location of the file, to members of the public who wish to

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<sup>3</sup> *Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5026 (1988) (*Main Studio and Program Origination Rules*), *erratum issued*, 3 FCC Rcd 5717 (1988) (correcting language in n.29).

<sup>4</sup> *See Jones Eastern of the Outer Banks, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616 & n.2 (1991) (noting that, "This is not to say that the same staff person and manager must be assigned full-time to the main studio. Rather, there must be management and staff presence on a full-time basis during normal business hours to be considered 'meaningful.'"), *clarified*, 7 FCC Rcd 6800 (1992) (*Jones Eastern II*). *See also Birach Broadcasting Corporation*, Notice of Apparent Liability, 25 FCC Rcd 2635 (Enf. Bur. 2010).

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view the file. . . .” At the time of inspection, no material required to be in the public inspection file was available at the main studio. Additionally, the general manager stated that someone with the station was supposed to be putting together all of the material for the public file, but the file was not completed yet.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its licensees. We also must investigate violations of other rules that apply to broadcast licensees.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>5</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Centro Cristiano De Vida Eterna must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>6</sup>

5. In accordance with Section 1.16 of the Rules, we direct Centro Cristiano De Vida Eterna to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Centro Cristiano De Vida Eterna with personal knowledge of the representations provided in Centro Cristiano De Vida Eterna’s response, verifying the truth and accuracy of the information therein,<sup>7</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>8</sup>

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<sup>5</sup> 47 U.S.C. § 308(b).

<sup>6</sup> 47 C.F.R. § 1.89(c).

<sup>7</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>8</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Houston Office  
9597 Jones Road, #362  
Houston, Texas 77065

7. This Notice shall be sent to Centro Cristiano De Vida Eterna at its address of record.

8. The Privacy Act of 1974<sup>9</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Stephen P. Lee  
Resident Agent  
Houston Office  
South Central Region  
Enforcement Bureau

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<sup>9</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).